

SECTION 13 - DESIGN REVIEW

- * 13.1 PURPOSE - The purpose of this section is to preserve the natural beauty of the City and the natural cover of trees and shrubs, and avoid excessive and unsightly grading of hillsides and ensure that new uses and structures will enhance their sites and be harmonious with improvements in the surrounding area. Plans for all new uses and structures shall be reviewed by the Planning Commission. All single family and duplex residential dwellings shall be subject to Section 13A (Single Family Design Review).
- ** 13.2 PLANS TO BE APPROVED - No building permit for a new structure, exterior alteration or enlargement, including exterior remodeling or repainting which is different from the design or colors which have been previously approved by the Planning Commission, and no certificate of occupancy for a new use with alterations or enlargement of an existing use, shall be issued unless the site plan, the architectural elevations, color palette, and the landscape plan have been approved by the Commission as provided for herein.
- *** 13.3 PLANS TO BE SUBMITTED - The owner of the site, an authorized agent, or the master developer shall submit the following plans and drawings to the Zoning Administrator prior to application for a building permit, provided however that permits issued to the master developer or lawful possession of the subject property is transferred to the master developer, or is a master developer authorized by the owner to implement the master development plan, and the Redevelopment Agency approves a master development plan.
- (a) An accurate scale drawing of the site showing the contours at intervals of not more than five (5) feet, the locations of existing trees and other natural features and the locations of existing uses, structures and other improvements, including driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences and walls. The drawing also shall show the locations of streets and other rights-of-way adjoining properties within 50 feet of the site.
 - (b) A site plan, drawn to scale, showing the proposed layout of structures and other improvements include driveways, pedestrian walks, off-street parking and off-street loading areas, locations of entrances and exits and the direction of traffic flow into and out of off-street parking and off-street loading areas, loading berth, and areas for turning and maneuvering vehicles.
 - (c) Architectural drawings or sketches drawn to scale showing all elevations of the proposed structure as they will appear upon completion.
 - (d) A landscape plan showing the location of existing trees and other natural features proposed to be retained on the site, the location and design of landscaped areas and the varieties of plant materials to be planted therein and all other landscape features.

* Amended by Ord. #717, 3/13/84; and by Ord. #877, 2/22/94; and by Ord. #940, 2/26/99; and by Ord. #996, 2/24/04

** Amended by Ord. #543, 6/24/74

*** Amended by Ord. #641, 1/22/79; and by Ord. #717, 3/13/84

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13.3.2 LANDSCAPING REQUIREMENTS IN THE "C" AND "M" DISTRICTS – A minimum of ten (10) percent of the gross site area shall be devoted to landscape design features. Required landscape design features shall consist of the following:

Plantings of live plant materials, large-scale sculptures, fountains and similar urban art related to building design, specially designed plazas, courtyards, sitting areas and walkways.

13.3.3 GENERAL REQUIREMENTS FOR LANDSCAPE PLANS - Any landscape plan is to provide the name and size of existing trees, their condition and disposition and shrubbery, and the common and botanical name and features other than live plant materials that are proposed, a complete description of materials, designs and colors shall be provided. Each applicant shall be responsible for the replacement of all diseased or dead plant materials where the installation of such plant material was provided for in the application. All landscape design features both existing to remain and proposed shall be maintained in a viable and operable condition. The intent and purpose of this Section is to insure that all new plantings of live plant material shall be sufficient and properly irrigated and that trees to be retained are protected from damage and injury during construction periods.

(1) All landscaped areas including, but not limited to, lawns, shrub areas, ground cover areas, tree wells and raised or on grade planters shall be equipped with a complete underground irrigation system.

(a) The system shall be operated by an automatic time clock when the number of sprinkler control valves is five (5) or more.

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(b) When the landscaped areas are small or of such design as to warrant, in the judgment of the Park Superintendent the irrigation of all or some planting areas may be accomplished by quick coupler valves and/or hose bibs.

(2) Adequate and appropriate irrigation construction plans and specifications shall be submitted as part of the application unless the project is found to be small in scope and can be adequately described in written form to the satisfaction of the Park Superintendent.

(3) Continuing Maintenance:

* Amended by Ord. #641, 1/22/79

** Amended by Ord. #717, 3/13/84

- (a) Every landscape plan approved by the Planning Commission includes a condition that the property owners at their expense shall maintain the landscaping, parking areas and fencing and other elements in landscaping areas to the satisfaction of the Planning Commission.
- (b) The Planning Commission may waive this condition for projects, which in the opinion of the Planning Commission, do not warrant it.
- (c) Breach by the property owner of the obligation to maintain shall be deemed a public nuisance.

* (4) All Landscape Plans shall be prepared by a Landscape Architect licensed by the State of California except for total landscaped areas of not more than 500 square feet.

* (5) Trees to be retained shall be protected against injury during periods of construction. Tree protection methods as outlined in "Protecting Trees Against Damage from Construction Work," shall be followed. City of Belmont standard drawings #147, 148, 148A and 149.

** 13.3.4 SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS - DELETED

* 13.4 REFERRAL TO COMMISSION - The Zoning Administrator shall refer the plans and drawings to the Planning Commission.

*** 13.4.1 Provided that when any additions and/or changes would affect existing traffic conditions surrounding a proposed site the Zoning Administrator shall, prior to referral of plans to the Planning Commission, submit said plans and drawings to the Chief of Police, the City Engineer and the City Planner of the City of Belmont, for review. Said City staff members shall review said plan (the effect on traffic safety of the proposed site additions/changes) with consideration of the following:

- (a) The effect of the site development plan on traffic conditions of abutting streets.
- (b) The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exit driveways and walkways.
- (c) The arrangement and adequacy of off-street parking facilities to prevent traffic congestion.
- (d) The location, arrangement and dimensions of truck loading and unloading facilities.

* Amended by Ord. #717, 3/13/84

** Added by Ord. #940, 2/26/99; Deleted by Ord. #996, 2/24/04

*** Amended by Ord. #457, 12/14/70; and by Ord. #717, 3/13/84

- (e) The circulation patterns within the boundaries of the development.
- (f) The surfacing and lighting of off-street parking facilities. Where any aforementioned staff member finds the proposed additions/changes will adversely affect traffic safety, a written report shall be submitted setting forth the reasons for such finding to the Planning Commission.

Where any aforementioned staff member finds traffic safety will not be adversely affected, they shall indicate this to the Planning Commission.

* 13.5 ADMINISTRATIVE APPROVALS:

The Planning Commission may pre-approve colors combinations for use on signs and awnings and repainting of existing buildings. The Director of Planning may administratively approve the use of the pre-approved colors provided that the Director of Planning finds that the colors are 1) compatible with buildings on adjacent properties; and 2) consistent with the applicable design guidelines of the City of Belmont. In addition, the Director of Planning may administratively approve replacement, relocation, and/or additional windows, doors, awnings, and minor modifications not adding floor area, provided that the application is consistent with Section 13.5.3. Applications which are found not to meet these criteria and findings shall not be administratively approved and shall be subject to the same procedures requiring Planning Commission review.

** 13.5.1 DELETED

** 13.5.2 DUTIES AND RESPONSIBILITIES OF BOARD - DELETED

13.5.3 PRINCIPLES TO BE FOLLOWED:

Areas of aesthetic and site plan consideration shall include, but not necessarily be limited to, the following:

- (a) Review of buildings or structures for scale, mass, proportion, use of materials, relationship to adjacent elements and relationship to the community as a whole.
- (b) Review of proposed exterior color and material application with relationship to adjacent architectural or natural elements. The intent with respect to review of color is to avoid the use of extreme color.
- (c) Review of proposed location, height and materials of walls, fences, hedges and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other surfacing to prevent dust erosion.

* Added by Ord. #839, 4/10/92; Amended by Ord. #885, 9/8/94

** Deleted by Ord. #717, 4/13/84

- (d) Review of location, size, height, lighting and landscaping of signs as specified in the Sign Ordinance, in relation to traffic hazards and the appearance and harmony with the environment. The intent with respect to review of color is to avoid the use of extreme color.
- (e) Review of site layout considering the orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood, the appearance and harmony of the buildings with adjacent development and the surrounding landscape.
- (f) Review of the layout of the site with respect to locations and dimension of vehicular and pedestrian entrances, exits, drives and walkways.
- (g) Review of site landscaping including adequacy of irrigation plans, size and location of plant materials, and protection of existing plant materials.

13.6 ACTION OF COMMISSION - The Commission shall approve, conditionally approve or disapprove the site plan, the architectural elevations and the landscape plan or shall request the owner to revise them.

* 13.7 LAPSE OF DESIGN REVIEW APPROVALS AND EXTENSION OF TIME - A design review approval shall lapse and shall become null and void one year following the date on which it became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site, or a certificate of occupancy is issued by the Building Official for the site which was the subject of the design review approval. Extension of time shall be governed by Section 10.5.

13.8 The Zoning Administrator shall be custodian of records of the Planning Commission.

**** SECTION 13A – SINGLE FAMILY AND DUPLEX RESIDENTIAL DESIGN REVIEW**

13A.1 PURPOSE – The Single Family and Duplex Residential Design Review process is established to preserve the wooded, low density character of the City's single family and duplex residential neighborhoods, and assure that new single-family and duplex residential development achieves an appropriate balance amount the following:

- (a) Consistency with existing site conditions
- (b) Minimal disruption of site and surrounding topography
- (c) Minimal visual building bulk and an attractive exterior building design
- (d) Protection against erosion, ground movement, flooding and other hazards

* Amended by Ord. #906, 7/11/96

** Added by Ord. #996, 2/24/04

- (e) Preservation of existing trees and vegetation, use of native plants, and an enhancement of the overall landscaping in residential neighborhoods
- (f) Safe on-site vehicular accessways to all covered parking
- (g) Retaining walls that follow topographic conditions and enhance the appearance of surrounding slopes
- (h) Right-of-way encroachments that are the minimum necessary to support private access and development and that enhance the overall appearance of the site

13A.2 APPLICABILITY / AUTHORITY THRESHOLDS – The following single family and duplex residential projects shall be subject to the provision of this Section:

- (a) New Dwellings, or
- (b) New Gross Floor Area of 400 sf or more, or
- (c) Grading:
 - (1) 500 or more cy combined cut / fill, or
 - (2) 6,000 or more SF disturbed area, or
 - (3) Any grading which will require removal or endanger a protected tree, as defined, or
- (d) Tree Removal / Excessive pruning associated with any Planning Commission entitlement for single family or duplex residential development, or
- (e) Encroachments associated with any Planning Commission entitlement for single family or duplex residential development (encroachments subject only to recommendation to City Council)

13A.3 APPLICATION

- (a) Application for a Single Family and Duplex Residential Design Review shall be made to the Director of Community Development upon a form prescribed by the Director. The application shall contain or be accompanied by the following data and no application shall be accepted unless it is complete and in compliance with the requirements set forth herein:
 - (1) Name and address of applicant.
 - (2) A Statement certifying under penalty of perjury that the applicant is the owner of the property, the authorized agent of the owner, or the master developer.
 - (3) Address or description of the property.

- (4) A map showing the boundaries of the subject parcel and each separate lot or parcel within 300 feet of the exterior boundaries thereof together with a list, or the names and addresses of the last known owners of each lot or parcel insofar as they are of public record.
 - (5) A statement of the precise nature of the proposed development and any other data pertinent to the findings prerequisite to the granting of a Single Family Design Review in Section 13A herein.
 - (6) Such other information, plans, maps and data which may be necessary to assure a full presentation of pertinent fact for the record and to assist in making a determination in harmony with the objectives of this Ordinance.
- (b) FEE - The application shall be accompanied by a receipt showing that an application fee in accordance with the fee schedule established by the City Council has been paid to the Secretary of the Planning Commission and/or the Director of Community Development.

13A.4 HEARING BY COMMISSION – The Commission shall hold a public hearing after acceptance of a complete application for a Single Family and Duplex Residential Design Review by the Director of Community Development. Notice of the time, place and purpose of each such public hearing shall be given in the manner set forth in Section 11.4.1 herein. The Commission shall approve, conditionally approve or disapprove the site plan, the architectural elevations and landscape plan or shall request the owner to revise them.

13A.5 FINDINGS REQUIRED – The Commission may grant approval of Single Family and Duplex Residential Design Review to the proposed development, as applied for, or in modified form, if on the basis of the application and evidence submitted the following findings are made:

- (a) The Buildings and structures shown on the site plan are located to be consistent with the character of existing development on the site and in the neighborhood, as defined; minimize disruptions of existing public views; protect the profile of prominent ridgelines.
- (b) The overall site and building plans achieve an acceptable balance amount the following factors:
 - (1) building bulk,
 - (2) grading, including
 - (a) disturbed surface area and
 - (b) total cubic yards, cut and fill
 - (3) hardscape, and
 - (4) tree removal

- (c) All accessways shown on the site plan and on the topographic map are arranged to provide safe vehicular and pedestrian access to all buildings and structures.
- (d) All proposed grading and site preparation have been adequately reviewed to protect against site stability and ground movement hazards, erosion and flooding potential, and habitat and stream degradation.
- (e) All accessory and support features, including driveway and parking surfaces, underfloor areas, retaining walls, utility services and other accessory structures are integrated into the overall project design.
- (f) The landscape plan incorporates:
 - (1) Native plants appropriate to the site's environmental setting and microclimate, and
 - (2) Appropriate landscape screening of accessory and support structures, and
 - (3) Replacement trees in sufficient quantity to comply with the standards of Section 25 (Trees) of the Belmont City Code
- (g) Adequate measures have been developed for construction-related impacts, such as haul routes, material storage, erosion control, tree protection, waste recycling and disposal, and other potential hazards.
- (h) Structural encroachments into the public right-of-way associated with the project comply with the standards of Section 22, Article 1 (Encroachments) of the Belmont City Code

13A.6 STANDARD CONDITIONS – In addition to any conditions that may be imposed on an individual project application, all projects shall be subject to the following standard conditions.

- (a) Site Planning
 - (1) Development shall be geologically stable. Geologic stability shall be created by measures including, but not limited to, repair and recompaction of existing unstable areas.
 - (2) Development on sloping areas in excess of 30% shall be terraced or otherwise designed to avoid flat pad grading.
 - (3) New construction shall be located outside of the dripline of existing, preserved trees to the greatest extent practicable.
- (b) Site Preparation
 - (1) Grubbing and other site preparation methods shall be limited to the smallest area feasible for the proposed use and development.

- (2) Where no new development or landscaping is proposed, brush clearance shall be limited to the minimum amount needed for fire safety purposes. Complete brush removal shall not be allowed.
- (3) Grading shall be conducted in accordance with all City regulations, with the terms and conditions of the approved geotechnical and geological reports and shall not create any hazardous conditions or damage to surrounding properties.

(c) Landscape Design

- (1) Replacement trees shall be provided in accordance with the provisions of Section 25 (Trees) of the Belmont City Code.
- (2) Two-year performance deposits shall be required when five or more replacement trees are required.

13A.7 LAPSE OF APPROVAL AND EXTENSION OF TIME – A single Family and Duplex Residential Design Review approval shall lapse and shall become null and void one year following the date on which it became effective unless, prior to the expiration of one year, a building permit is issued by the Building Official and construction is commenced and diligently pursued toward completion on the site, or a certificate of occupancy is issued by the Building Official for the site which was the subject of the design review approval. Extension of time shall be governed by Section 10.5.